

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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|---------------------------------------|---|---------------------|
| IN THE MATTER OF: |) | |
| |) | |
| United States Department of the Army, |) | |
| |) | |
| Respondent. |) | Docket No. |
| |) | CERCLA-08-2020-0001 |
| Rocky Mountain Arsenal |) | |
| Commerce City, CO, |) | |
| |) | |
| Facility. |) | |
| |) | |

JOINT STATUS REPORT REGARDING SETTLEMENT

On December 5, 2022, the Presiding Officer issued an Order granting a third stay, until June 30, 2023, in the above-captioned proceeding. The Order requires that Complainant, Regional Counsel Kenneth C. Schefski, U.S. Environmental Protection Agency (EPA), Region 8, and Respondent, United States Department of the Army, (the Parties) file monthly status reports regarding the progress of the Parties' settlement efforts. As reported during the previous stays in this matter, the Parties have made substantial progress toward settling this matter, and the Parties are continuing their efforts to ensure the execution of the Consent Decree Amendment (CDA). The Parties are fully committed to execution of the CDA and have been engaged with the Department of Justice (DOJ) to provide information and assistance to further progress.

Since the third stay in this matter was granted by the Presiding Officer, DOJ continued its discussions with the United States Department of Treasury and has received Treasury's preliminary acceptance of the terms and conditions of the proposed CDA. All of the CD parties have now expressed a willingness to move forward with the CDA. DOJ is now in the process of

implementing its internal approval process of the CDA. Both the Parties and DOJ expect to receive that approval in the short term.

While most of the remaining steps in finalizing the CDA are outside of the Parties' control, the Parties continue to have regular meetings with DOJ to ensure that the remaining steps are carried out as efficiently as possible and DOJ has all of the information it needs. The remaining steps include:

- 1). Gathering formal approvals of the delegated officials for the Parties on the final terms of the proposed CDA;
- 2). Lodging the proposed CDA with the United States District Court for the District of Colorado;
- 3). Holding a 30-day public comment period and filing a response to public comment with the District Court, if needed; and
- 4). Entry of the CDA, subject to public comment and District Court approval.

As noted previously, the Parties continue to believe that resolution in this matter is achievable and that none of the above steps will be impediments to reaching a final agreement. Upon execution of the CDA, Complainant intends to withdraw the Complaint in this matter as moot.

Respectfully submitted,

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Andrew J. Corimski
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CERTIFICATE OF SERVICE

It is hereby certified that on this 25th Day of May 2023, the undersigned caused the foregoing Joint Status Report Regarding Settlement under Docket No. CERCLA-08-2020-0001 to be sent to the following parties in the manner indicated below.

Dated: May 25, 2023

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